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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/762,430
Filing Date	January 22, 2004
First Named Inventor	John J. Borzym
Art Unit	3723
Examiner Name	Maurina T. Rachuba
Attorney Docket Number	TMA-105-B

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return-receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Enclosed: Response to Restriction Requirement and a return postcard	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas N. Young YOUNG & BASILE, P.C.
Signature	
Date	July 21, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Sarah E. Martin		
Signature		Date	July 21, 2004

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Our Reference: TMA-105-B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John J. Borzym
Serial Number: 10/762,430
Filing Date: January 22, 2004
Examiner/Art Group Unit: Maurina T. Rachuba/3723
Title: SUPPORTED SHEAR WITH REVERSIBLE
DRIVE AND METHOD OF OPERATING
SAME

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated July 2, 2004, and the telephonic clarification thereof on July 19, 2004, the Applicant elects the claims of group I consisting of claims 1-7. This election is made with traverse.

Claim 8 is indeed a subcombination of claim 1; however, the preamble of claim 8 limits the positively recited apparatus to use "in combination with a bladeless shear," i.e., the very same application which is positively recited in claim 1. In addition, claim 1 recites the drive apparatus in "means plus function" terms and, according to 35 U.S.C. §112 paragraph 6, this recitation must be construed to cover the corresponding structure and equivalence thereof. Claim 8 simply recites one of the corresponding structures. Therefore, while there is a scope difference between claims 1-7 and claim 8, examination of one would necessarily cover all of the subject matter of the other and a decision in favor of allowability of claim 1, for example, would necessitate a similar decision with respect to claim 8.

All of the same arguments apply to claims 1 and 9. In the telephone call of July 19, 2004, the Examiner explained that the paragraph numbered 3 in the Office Action contained an error; the number II should be III.

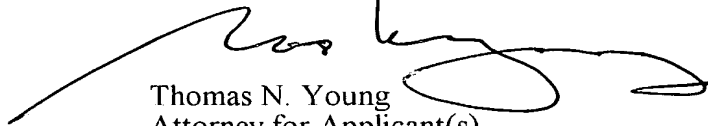
For the reasons set forth above, it is respectfully submitted that the restriction requirement places form above substance and imposes or threatens to impose a needless expense burden on Applicant to maintain two or even three possible patents during their commercial lifetime.

Even if the inventions in classes I, II, and III were directed to independent inventions, they are clearly related such that no separate searching for these inventions would be required: "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (MPEP § 803.)

For these reasons, reconsideration of the restriction requirement and an action on the merits of all the claims is respectfully requested.

Respectfully submitted,

YOUNG & BASILE, P.C.

A handwritten signature in black ink, appearing to read 'Thomas N. Young', is written over the printed name and title.

Thomas N. Young
Attorney for Applicant(s)
Registration No. 20,985
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

Dated: July 21, 2004
TNY/sem